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COMMISSION ON HUMAN RIGHTS

Fifty-second session

SUMMARY RECORD OF THE 47th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 17 April 1996, at 6 p.m.

Chairman:	Mr. VERGNE SABOIA	(Brazil)
later:	Mr. VASSYLENKO (Vice-Chairman)	(Ukraine)

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The meeting was called to order at 6.05 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (item 10) (continued)

(E/CN.4/1996/3, 4 and Corr.1 and Add.1 and 2, 6, 7 9, 12, 16 and Add.1, 54-57, 59-65, 66 and Corr.1 and 2, 67 and Add.1, 68, 69, 107, 111, 114, 115, 119, 121-131, 133, 135, 139, 145, 146, 149, 150 and 154; E/CN.4/1996/NGO/9, 10, 12, 16-18, 21, 29, 30, 36, 44, 52, 54, 57, 58, 62, 67-69, 80 and 87; A/50/471, 567-569, 663, 734, 767 and 894-S/1996/203)

1. Mr. V.K. GUPTA (Indian Council of Education), noting that Governments often used force and violated human rights to quell protests against injustices, said that national and international non-governmental organizations (NGOs) played a most important role in protecting human rights and fundamental freedoms by taking up the cause of the oppressed. Their effectiveness would be further strengthened if they took concerted action to focus on specific areas of human rights abuse and became a vector for human rights education.

2. Respect for human rights could be ensured through the adoption of a dual approach, namely, by defending the rights of innocent civilians and punishing perpetrators of abuse.

3. Mr. Vassylenko (Ukraine), Vice-Chairman, took the Chair.

4. Mr. SRIVASTAVA (International Institute for Non-Aligned Studies) said the absence of a democratic culture in Pakistan was indicative of the terror and oppression that prevailed in that country, which had no place in the community of nations that upheld democratic norms and human rights. A legacy of oppression had been handed down to its present leaders who continued to condemn minorities, women and Muslim sects. For the people of occupied Kashmir, moreover, the prospect of sending representatives to the national assembly remained a distant dream, and they had no forum in which to voice their opinions.

5. It was time that the international community should urge the Government of Pakistan to take a closer look at the functioning of its democratic structure. There was no doubt that human rights were being violated within the country, and the policies of the Government, by encouraging terrorism, also jeopardized the rights of people beyond its borders. The international community should take urgent action to curb the spread of Pakistan's State-sponsored terrorism.

6. Mr. RIZOPOULOS (International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities) said over the previous 11 years thousands of Kurdish villages in Turkey had been forcibly evacuated or destroyed and countless civilians, including intellectuals, had been killed in the course of military interventions. The Government of Turkey's response to those acts had been silence.

7. Greek Cypriots were also suffering at the hands of the Turkish military and 1,619 of them had disappeared since the Turkish occupation of a portion of Cyprus 22 years earlier. The international community should not accept the official explanation of the fate of those persons offered by the leader of the Turkish Cypriot community but insist on specific answers and bring those responsible to account.

8. Moreover, the report of the Secretary-General (E/CN.4/1996/54) revealed that Greek Cypriots and Maronites enclaved in the Karpasia area were separated from their families, deprived of education and the right to practice their religion, and had been murdered, beaten and raped. Equally tragic was the situation in Famagusta-Amochostos, which had been colonized by Turkish settlers. He therefore urged the Commission to call for the implementation of Security Council resolution 550/1984.

9. Referring to the serious human rights situation in Albania, he quoted a United States State Department report describing the extent of executive and parliamentary pressure exerted on the judiciary and noted that, in preparation for elections in June 1996, the Albanian Government had passed a law ensuring its control over the electoral process. Moreover, laws had been enacted restricting the right of Albania's ethnic Greek minority to practice their religion and their access to education. Discrimination against that minority extended to employment in the civil service, even in areas where the population was predominantly Greek.

10. He requested the Commission to impress upon the Albanian Government the need to comply with the obligation it had assumed under international agreements to guarantee the rights of all Albanians, including minorities.

11. Mr. MEGHLAOUI (Algeria) reviewed the steps taken by his Government in the areas of politics, economics and security to ensure a future marked by peace, progress, freedom and democracy.

12. Two years earlier, the President of the Republic had been installed by the National Consultative Council to guide Algeria during a transitional period, and in October 1994, on the occasion of the fortieth anniversary of the beginning of the war of national liberation, he had announced the holding of pluralist presidential elections, the first in Algeria's history as an independent State. The international community had greeted the announcement of the elections, held on 16 November 1995 in the presence of international observers, with considerable scepticism, but an impressive voter turnout and the openness and fairness of the proceedings had been commended by the team of observers and international media.

13. On 6 April 1996, the President had embarked on an exchange of views with national figures, leaders of the political parties and national organizations as an expression of the will to promote national dialogue and as the best way of completing the establishment of democratic national institutions.

14. In line with the progress made on the political front, economic reforms had also begun to yield positive results, gradually pulling Algeria out of its recession. Among other encouraging signs, macroeconomic and financial

equilibrium had been achieved, leading to a 4.5 per cent GDP growth rate in 1995, and it was expected that inflation would decline to the world average by 1998.

15. His Government was determined to use all the legal means at its disposal to fight terrorism, and although a few scattered attacks still took place, the security situation was constantly improving and the curfew was no longer in force. Under the law on clemency, over 1,000 persons had surrendered and returned to their families to lead normal lives.

16. Algeria had always considered that terrorism was a global phenomenon that called for a global response, and his Government was therefore encouraged by the growing international awareness of the issues involved. However, many countries continued to adopt a dogmatic position on the question of terrorism and refused to condemn groups which engaged in reprehensible acts. His Government was astonished to note the way terrorists frequently earned more understanding from certain quarters than did the States which sought to protect individuals and property from criminal acts. If the Commission was not careful, terrorist factions would use that body as a part of their overall strategy.

17. Algeria reaffirmed its determination to continue, in spite of difficulties, to do its utmost to fulfil its obligations under the agreements and conventions to which it was a party, the latest one it had ratified being the Convention on the Elimination of All Forms of Discrimination against Women. More than ever before, Algeria was ready to play an active part in the collective task of promoting human rights and would ensure the protection of individual and collective fundamental freedoms.

18. Mr. KONISHI (Japan) said that since human rights were of concern to the entire international community, the Commission's discussions on the situation in specific countries did not constitute interference in their internal affairs.

19. According to the report submitted by the Special Rapporteur on Afghanistan (E/CN.4/1996/64), the human rights situation in that country was dismal due to ongoing conflicts. His Government therefore strongly supported the efforts of the United Nations special mission to achieve a comprehensive solution to the crisis there.

20. Referring to Colombia, he said that his own Government appreciated the efforts made by the Government of that country to effect change, but hoped it would do even more.

21. Japan welcomed the Cuban Government's decision to allow representatives of four international human rights organizations to visit Cuba, as well as the decision earlier that year to release some political prisoners. It was concerned, however, that the members of Concilio Cubano, representing dissidents and human rights organizations, had been harassed and arrested, and his Government called on the Government of Cuba to allow the Special Rapporteur to visit the country in order to carry out his mandate in full.

22. He also noted that the United Nations had a significant role to play in resolving the question of Cyprus and hoped that negotiations between the parties would be resumed under the auspices of the Secretary-General.

23. He welcomed the invitation extended by the Islamic Republic of Iran to the Special Representative and other Special Rapporteurs on the right to freedom of expression and religious intolerance, and trusted that its Government would continue its cooperation with the international community and the Commission.

24. There had been no meaningful improvement in the plight of Kurds and Shiites in the north and south of Iraq. His Government therefore urged Iraq to implement Security Council resolutions 686 (1991) and 688 (1991) in full and cooperate with the Special Rapporteur.

25. While there had been a number of positive developments in Myanmar during the previous year, its Government should make even greater efforts to bring about national reconciliation, democracy, and respect for human rights. The international community, moreover, should encourage Myanmar to participate more actively in international relations rather than isolate it even further. His own Government would continue its dialogue with Myanmar, which should cooperate fully with international bodies and respond positively to the Special Rapporteur's recommendations.

26. Japan similarly called on the Government of Nigeria to ensure the observance of human rights and take further measures for the early restoration of democracy.

27. In condemning the violation of human rights in Rwanda, he expressed the hope for early national reconciliation and democracy and considered it was crucial that the international community should support the efforts of the Government of Rwanda in that respect.

28. His Government was gravely concerned by reports of indiscriminate and deliberate aerial bombardment of civilian targets in southern Sudan and called upon the Government of Sudan to cease such action immediately and cooperate with the Special Rapporteur.

29. It was most regrettable that, according to various reports, arbitrary arrests and detention continued to be widely practised in Zaire.

30. His Government was pleased to note the establishment of a National Human Rights Commission in East Timor and the visit of the High Commissioner for Human Rights to that country. The series of meetings between the Governments of Indonesia and Portugal, under the good offices of the Secretary-General, had established an atmosphere conducive to constructive negotiations. Japan hoped the Indonesian Government would continue to cooperate with the international community and the Commission on Human Rights.

31. Lastly, he welcomed the Dayton Agreements and United States initiatives on the former Yugoslavia that had achieved an understanding among the parties concerned. The situation in Kosovo, as reported by the Special Rapporteur, was alarming and he urged all parties to seek a peaceful solution to their

problems and restore respect for human rights. Full cooperation with the Special Rapporteur, the International Committee of the Red Cross and the Organization for Security and Cooperation in Europe was vital. Japan had recently made a contribution of US$ 600,000 to the human rights field operation in the former Yugoslavia, in response to an appeal by the High Commissioner for Human Rights.

32. Mr. ZAHRAN (Egypt), speaking on behalf of Arab Ambassadors, said Lebanon had been the target of barbaric Israeli aggression and massive aerial and naval bombardments which had caused extensive loss of life. The blockade of Lebanese ports prevented the delivery of supplies, vital installations had been damaged, and over half a million persons had been displaced.

33. Such attacks compromised the peace process in the Middle East, and he urged the Commission to issue a declaration condemning the violation not only of human rights but also the Geneva Conventions and principles of international law taking place in that region. The international community must act swiftly to end the aggression, supply humanitarian aid to the refugees and demand the withdrawal of Israeli forces from all Lebanese territory, in accordance with Security Council resolution 425 (1978).

34. Speaking as the representative of Egypt, he said that Israeli aggression against Lebanon over the previous five days violated the Geneva Conventions and all human rights standards. Any further aggression could compromise the entire Middle East peace process, which Egypt wished to see completed. Israel must cease its aggression against civilians, compensate them, and implement Security Council resolution 425 (1978) by withdrawing completely from Lebanese territory.

35. Egypt looked forward to the implementation of the civilian component of the General Framework Agreement for Peace in Bosnia and Herzegovina. Guarantees of lasting peace in Bosnia required effective international institutions to pave the way for free elections. Refugees and displaced persons must be allowed to return to their homes and recover their possessions, and human rights and fundamental freedoms must be restored to the entire population. All countries must cooperate with the International Criminal Tribunal for the Former Yugoslavia (ICTY). Lastly, Egypt was seriously concerned about the tragedy unfolding in Chechnya. It welcomed the latest initiative by President Yeltsin, and called for an early start to negotiations between the warring parties.

36. Mr. EAFEARE (Observer for Papua New Guinea) said that the report of the Special Rapporteur on his mission to the Papua New Guinea island of Bougainville (E/CN.4/1996/4/Add.2) encapsulated the progress made by the Papua New Guinea authorities in the various peace initiatives and the role of the Bougainville Transitional Government (BTG) in that process. The report could, however, have discussed more fully the failure of various factions of the Bougainville Revolutionary Army (BRA) to follow up the peace initiatives. BRA had broken down into a number of semi-autonomous criminal units, many of whom had failed to uphold the undertakings given by Mr. Sam Kauona on BRA's behalf at the September 1995 meeting in Cairns, Australia.

37. The report also placed insufficient emphasis on the funds established by the Government to implement the peace agreements, which amounted to some US$ 171 million, and failed to mention its decision to establish a National Commission on Human Rights. Fuller coverage might also have been given to the process of setting up the BTG. Two positions allocated to BRA leaders had yet to be filled, since the hard line BRA elements lacked leaders capable of negotiating a peace settlement on their behalf. Nor was the question of an amnesty a new issue, having been on the Government's agenda since 1988.

38. Mr. AHDEROM (Baha'i International Community) said that over the past 17 years the Commission had been presented with irrefutable evidence of violations of the rights of Baha'is in the Islamic Republic of Iran. There was a systematic plan to destroy the Baha'i religious community within and outside that country, and proof that the plan was orchestrated by the Iranian regime had been provided in 1993 by the Special Representative, Mr. Reynaldo Galindo Pohl. Baha'is were called upon publicly to renounce their religious convictions and, in a new development, had recently been charged with apostasy, an offence that carried the death penalty. That charge was of course based not on sanctionable behaviour but on religious belief. Yet the Iranian Government had consistently denied that the persecution of Baha'is was religiously motivated, instead denouncing them as agents of foreign Powers and members of subversive political organizations. The Commission must call for the implementation of all the recommendations made by the Special Rapporteur on religious intolerance in his report (E/CN.4/1996/95/Add.2) on his visit to the Islamic Republic of Iran. It should also once again adopt a resolution expressing concern for the plight of the Baha'is and should keep the situation under review.

39. Mr. WIN (International Peace Bureau) said that since the 1990 elections in Myanmar, the State Law and Order Restoration Council (SLORC) had consistently refused to convene the elected National Assembly (Pyithu Hluttaw) and had instead set up a National Convention to draft a new constitution. Only 2.88 per cent of the delegates to the Convention were elected representatives of the people, delegates were not consulted regarding its objectives and working procedures, its documentation was censored, and any provisions drafted had to recognize "the leading role of the military in the future political life of Myanmar". SLORC was using the Convention as a means of stalling the democratic process.

40. The United Nations had consistently recognized that it was those elected in 1990 who should form the Government; yet it had been reluctant to condemn the National Convention out of hand, instead hoping that that process, albeit illegal and undemocratic, might somehow lead to a workable compromise between the military and civilian leaders. Following the recent decision by the National League for Democracy party - which had won 82 per cent of the seats in the 1990 general election - to boycott the process, the Commission should now condemn the National Convention as an illegal entity, and urge SLORC to convene the National Assembly forthwith.

41. Mr. BANDAY (Muslim World League) said that India continued to engage in all manner of gross violations of human rights in Kashmir. In recent weeks at least 20 human rights activists, including eminent public figures, had been killed in custody or gunned down in the streets by Indian forces. The people

of Kashmir were peace-loving and their accredited leadership, All Parties Hurriyat Conference, had repeatedly offered to halt the violence and engage in peaceful negotiations to settle the Kashmir dispute. The Indian Government had responded by stepping up its campaign of terrorism so as to intimidate the people of Kashmir into renouncing the right to self-determination promised to them by Security Council resolutions.

42. The Kashmir issue seriously threatened the safety and stability of South Asia, and had already led to armed conflict between India and Pakistan on three occasions. If there was any truth to the rumours that both countries had now acquired a nuclear capability, there was every possibility that the dispute could end in nuclear war. He therefore called on the Commission to take appropriate steps to stop human rights violations in Kashmir and to rescue its people from the State terrorism unleashed by the Government of India.

43. Mr. KHOURI (Union of Arab Jurists), speaking on behalf of 22 NGOs*, said that two major causes of violations of human rights were the imposition of economic blockades and embargoes and their maintenance long after any moral justification for their imposition had vanished. The international community must draw up a moral charter applicable to international relations. He read out the text of an appeal, signed by the 22 NGOs, calling for a lifting of the embargo imposed on Iraq. That appeal noted that the embargo had been in force for almost six years, although the circumstances that had led the Security Council to impose it no longer obtained; that the main victims were Iraqi civilians; that the mortality rate among children had increased sixfold since 1990; and that health, educational and economic infrastructures had deteriorated to such an extent that the country was again living in a pre-industrial age. The signatories called upon the Commission to secure the lifting of the embargo. In particular, they called on the Security Council to lift the oil embargo, in application of the provisions of paragraph 22 of resolution 687 (1991), so as to enable the population to regain access to products vital to its survival.

44. Ms. BRIE (France Libertés: Fondation Danielle Mitterrand) said that, as the situation of human rights in Colombia continued to worsen, the Commission must do more to halt its further deterioration. In particular, the recommendations made between 1988 and 1994 must be implemented, there must be an end to impunity, the restrictions on states of emergency set forth in the 1991 Constitution must be respected, and efforts must be made to end the armed conflict. Moreover, the Commission should continue its consideration of Colombia at its fifty-third session, and must appoint a special rapporteur on that country without delay.

45. Her organization was also concerned at the situation in Iraq. It called for the deployment of international observers throughout the territory, for the establishment of an international tribunal to try those responsible for the genocide of the Kurdish population, and for financial compensation to victims.

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* The list of the NGOs concerned is annexed to this summary record.

46. In Turkey, too, the situation of human rights was extremely serious. The authorities refused to cooperate with international monitoring mechanisms, and severe restrictions were imposed on judicial, civil and political freedoms and the activities of human rights bodies. Turkey was also obstructing humanitarian operations in northern Iraq, in violation of Security Council resolution 688 (1991). The Commission should therefore appoint a special rapporteur to investigate the situation.

47. Mr. KALATTAS (Greek Orthodox Archdiocesan Council) said that, as a result of the Turkish invasion in 1974, 82 per cent of the Greek Cypriot population had been expelled from the occupied area of Cyprus and the rest had been enclaved in their villages in the Karpas, where they were harassed and intimidated. Despite the Vienna agreement of 1975, Turkey was still pursuing a policy of ethnic cleansing. Members of the enclaved population were denied access to medical doctors and educational facilities, and were separated from their families and lacked protection from atrocities committed by mainland settlers. Moreover, the movements of the United Nations Peace-Keeping Force in Cyprus were restricted.

48. The tragic situation in the Karpas and the unacceptable living conditions of the enclaved population had been described in numerous reports of the Secretary-General and confirmed by two United States Congressmen and the Rapporteur of the Political Affairs Committee of the Council of Europe. Furthermore, the European Commission of Human Rights had found Turkey responsible for grave infringements of human rights in Cyprus since 1974. He therefore strongly urged the Commission to get the Turkish Government to respect the basic human rights of the people concerned.

49. Ms. FALLON (Franciscans International) strongly urged the immediate appointment of a special rapporteur on Colombia to investigate reports of numerous political assassinations, unexplained deaths, torture and other violations of human rights.

50. Ms. McFADYEN-JONES (Women's International League for Peace and Freedom) explained that, as the League had sent numerous fact-finding missions to Lebanon, she drew attention to the plight of the thousands of registered and unregistered Palestinian refugees in that country. The majority lived in extremely overcrowded camps in cramped conditions with poor sanitary facilities and basic utilities which functioned only sporadically. They were not allowed to work and, as financial assistance had dwindled, malnutrition was causing major health problems, yet medical treatment was rudimentary and social services non-existent. Some refugees, who had been displaced by camp closures to make way for profitable tourist developments, were homeless.

51. While the peace process was welcome, it had marginalized the Palestinians in Lebanon, who had become stateless. They required urgent assistance over and above what the United Nations Relief and Works Agency (UNRWA) could provide. The United Nations, which had decided to partition Palestine, had a responsibility towards those refugees. Failure to achieve a just and comprehensive solution to their predicament would jeopardize peace in the Middle East.

52. Ms. de WEICHS (Asian Buddhists Conference for Peace) believed that only persistent efforts by the Commission would lead to effective dialogue with Governments and put an end to human rights abuses. Tibet was one example where such dialogue was needed after the transfer of approximately 7.5 million Chinese to the country. The main beneficiaries of any incentives for the economic development of Tibet were the Chinese, not the Tibetans. China had not cooperated with the Commission to end human rights abuses in Tibet, where the survival of the local population was threatened, and the Commission should therefore adopt the draft resolution on China.

53. One example of dialogue failing to stop human rights abuses was the Chittagong Hill Tracts of Bangladesh, where Government security forces had instituted a reign of terror against the Jumma people despite the existence of a cease-fire agreement. Large-scale displacement of Jummas had occurred and their peaceful activities were being disrupted by gangs of Bengali and indigenous youths at the Government's behest. The Deputy Commissioner was reportedly powerless to prevent such human rights abuses and the United Nations Special Rapporteur on torture had been refused access to the area.

54. She urged the Commission to persuade the Government of Bangladesh to demonstrate its political will to reach a negotiated settlement by withdrawing its armed forces from the Chittagong Hill Tracts.

55. Mr. LIU Qing (International League for Human Rights), speaking as a former prisoner of conscience in China, said that the Chinese authorities were taking severe measures against critics of the Government and employing illegal coercive measures against them. He enumerated several egregious and flagrant violations of the human rights of dissidents, ranging from the restriction of their fundamental freedoms to the harassment and intimidation of their families.

56. As human rights abuses had increased considerably in severity and frequency, he asked the Commission to adopt the draft resolution on that country, as it would be of crucial assistance to the courageous men and women in China who were striving to promote the cause of human rights.

57. Ms. GRAZ (Reporters sans frontières) said that her organization had decided to focus on infringements of press freedom in three Member States of the United Nations.

58. In Bangladesh, article 39 of the Constitution, which guaranteed freedom of the press, was hedged about with numerous restrictions, and violence against journalists had increased after the general election.

59. In Peru, three journalists had been given prison sentences under anti-terrorist legislation which, in many respects, did not conform to international standards. They ought to be released unconditionally because they were being held solely on account of their opinions.

60. In Turkey, while freedom to voice criticism was enjoyed in many fields, including politics, any journalist who broached a taboo subject was punished. In 1995 and 1996 large numbers of them had been questioned or detained, some had been ill-treated or tortured and two, Metin Göktepe and Safyettin Tepe, had even died as a result.

61. Mr. SOKHOMA (Mauritania) considered that the promotion and protection of the human rights and fundamental freedoms was a universal duty incumbent on all Governments, and noted that his own Government was endeavouring to realize such rights and improve living conditions. Pluralism and democracy were intimately bound up with development, but neither development nor full respect for human rights was possible without effective international cooperation, because the restriction of rights was frequently due to conditions imposed by structural adjustment programmes.

62. The international community should concern itself with all human rights throughout the world and make a united effort to remove obstacles to their realization. The worst stumbling block was underdevelopment, which threatened peace and stability, as the examples of Burundi and Rwanda had shown. The Commission should adopt measures to promote peace and reconstruction in those countries.

63. Dreadful atrocities had been committed against the Muslim population in Bosnia and Herzegovina, and those responsible for ethnic cleansing should be brought before the ICTY.

64. Mr. GOONETILLEKE (Sri Lanka) recalled his Government's commitment to securing a peaceful solution to the situation in the northern and eastern provinces of Sri Lanka and reviewed the measures it had adopted for that purpose. Although the Commission at its fifty-first session had strongly urged the Liberation Tigers of Tamil Eelam (LTTE) to respond positively and speedily to the steps taken by the Government, they had reverted to murderous violence and terrorism which had been internationally condemned.

65. While the Sri Lankan Government had no alternative but to respond to such terrorism by military means in order to protect the civilian population, it was continuing political negotiations with a view to devolution. A bill on the subject had been drafted and would be tabled in Parliament. Nevertheless, the Government's continuing efforts to provide relief and medical supplies for internally displaced persons, whose situation had been aggravated by the LTTE's forced movement of civilians in December 1995, were being sabotaged by LTTE.

66. It was encouraging that human rights bodies were turning their attention to terrorism which spared no part of the world, and it was the responsibility of the international community to frustrate terrorists' designs. To that end, it should arrange exchanges of information in an effort to curb the illicit activities of LTTE in countries of asylum. He hoped that Sri Lanka could count on international cooperation and support to help it meet the challenges of the future.

Statements in exercise of the right of reply

67. Mr. MANGUE (Observer for Equatorial Guinea), responding to a statement by the representative of the Movement against Racism and for Friendship among Peoples, said that the speaker was a member of the opposition which had been rejected by the people because of its radicalism, tribalism, false allegations, wasting of time abroad, misappropriation of its own funds and lack of respect for human rights. Its criticism of President Obiang Mbasogo, a humane leader who had valiantly served the people of Equatorial Guinea and had just been re-elected, was motivated solely by envy of his popularity.

68. Mr. BAUM (Germany), referring to a statement by the representative of China in response to the address to the Commission by the Minister for Foreign Affairs of Germany, said that the xenophobic attacks by misguided individuals in Germany had aroused a sense of revulsion in the overwhelming majority of the population, as the Special Rapporteur on contemporary forms of racism, racial discrimination and xenophobia had confirmed during his visit to Germany. The subsequent decrease in acts of violence had been largely due to public rejection of the perpetrators.

69. Germany had agreed to cooperate fully in the procedure provided for in Economic and Social Council resolution 1503 (XLVIII) and expected other States to do likewise. It had done much to engage China in a constructive dialogue on human rights and was ready to continue that dialogue in the future.

70. Mr. TANDAR (Observer for Afghanistan), responding to a right of reply exercised by the representative of Pakistan, described as illuminating the fact that that representative had not denied any of the allegations regarding interference in the internal affairs of Afghanistan. The Pakistan delegation had, in effect, become a mouthpiece for the Afghan opposition.

71. When the Afghan delegation used the term mercenaries, it was certainly not referring to its own people but to the foreign armed militia operating against the Government and civilian population of Afghanistan.

72. In mentioning to the unfortunate incident that had taken place at the Embassy of Pakistan in Kabul, the representative of Pakistan had omitted to mention that diplomats inside the Embassy had opened fire on peaceful demonstrators against Pakistani interference in the internal affairs of Afghanistan. One demonstrator had been killed and there had been five fatalities among members of the Afghan security forces who had sought to protect the Embassy. The Afghan Government had nevertheless apologized to the authorities of Pakistan for the incident and had assisted in the evacuation of their diplomats.

73. Mr. BUI QUANG MINH (Observer for Viet Nam), responding to a statement by the representative of Canada, said that the Vietnamese Constitution provided for freedom of religion and nobody was imprisoned for his or her religious beliefs or activities. There were doubtless prisoners who happened to be devotees of a particular religion but they had in all cases been tried and convicted for breaking the law of the land.

74. When persons of Vietnamese origin residing in Canada entered Viet Nam with explosives to carry out terrorist attacks, they were not serving the cause of "democratic reform". Canada should have done more to tackle the problem at its roots.

75. The Working Group on Arbitrary Detention had visited Viet Nam in 1994 at the Government's invitation. Its recommendations were being studied carefully and Viet Nam did not require instructions from a foreign Government regarding their implementation.

76. Mr. EGÜZ (Observer for Turkey), referring to a statement by the representative of Italy on behalf of the European Union, said he was not surprised at the Union's failure to mention the name of the terrorist organization that was plotting against Turkey's territorial integrity. It was well known that organizations affiliated to the Kurdish Workers' Party (PKK) flourished throughout the European Union and that PKK terrorists were allowed to engage in military training activities in at least one member country. It was to be hoped that the proper conclusions would be drawn from recent bloody incidents in a member country involving such elements. Those who were genuinely concerned about human rights in Turkey should condemn PKK terrorism in unequivocal terms and desist from conniving with PKK activities.

77. Mr. EL HASSAN (Observer for the Sudan) said that a statement containing unfounded allegations against his Government by the representative of the Arab Lawyers Union had ignored many positive developments in the Sudan, in particular the recent general elections that had been overseen by international observers.

78. His country's Press Act guaranteed full freedom of the press. All political prisoners had been released - an unprecedented step in a country grappling with such adverse circumstances - and the Sudanese authorities were cooperating with over 40 humanitarian organizations to improve the situation.

79. The fact that a meeting of the Permanent Bureau of the Union of Arab Jurists was to be held in Khartoum in a few days' time provided further proof of the baseless nature of the allegations against his Government. The Secretary-General of the Arab Lawyers Union was a spokesman for the armed opposition which was engaged in hostilities in the Sudan.

80. Mr. AL-HADDAD (Observer for Bahrain), responding to statements by the representatives of the International Commission of Jurists and the African Commission of Health and Human Rights Promoters, said that those organizations had been duped by terrorist groups who had destroyed property and terrorized the civilian population of Bahrain in recent months. The State of Bahrain was grateful for the support and understanding of many other States around the world that were contending with similar terrorist activities. The action taken by the Bahraini authorities to protect civilian life had been entirely within the bounds of the law.

81. Mr. AL-DOURI (Observer for Iraq), referring to statements by representatives of the European Union, Canada and Australia, said that the countries concerned should do something about the adverse impact of economic sanctions on the people of Iraq rather than making false allegations against a

Government that was desperately trying to alleviate the sufferings of its people and preserve the unity and sovereignty of the country. Surely the cause of human rights in Iraq could best be served by lifting the sanctions. Security Council resolutions were currently being used for purposes that were contrary to international law.

82. Ms. TOLLE (Observer for Kenya) said that the allegations by the Observer for Norway concerning the harassment and arbitrary detention of opposition politicians in Kenya and cases of denial of a fair trial were vague and ambiguous and riddled with factual inaccuracies. The tremendous progress achieved in recent years in freedom of speech, freedom of the press, multiparty democracy and the independence of the judiciary had been passed over in silence. Although there were certainly areas for further improvement, Kenya's overall record was positive.

83. Mr. EAFEARE (Observer for Papua New Guinea) said he failed to understand how Anti-Slavery International could purport to speak on behalf of the people of Bougainville, who scarcely recognized its existence. The Government of Papua New Guinea and the vast majority of Bougainvilleans were firmly committed to a peace process that already had many achievements to its credit. However, some factions of the BRA were bent on its destruction through criminal activities and factional violence against innocent people. He called on them to become an honest partner in a process that had brought peace to many parts of the island.

84. Mr. PANG Sen (China), responding to a statement by the representative of Italy on behalf of the European Union, said that the essence of human rights was equality but western countries set themselves up as tutors and judges of the developing countries, treating them as though they were still colonies. At the same time, they overlooked the evils that were rife in their own societies. Homelessness, xenophobia, racism, street violence and the gun culture were tolerated as expressions of freedom.

85. The only proper way of promoting human rights was through dialogue and cooperation. Random attacks on over 60 developing countries intensified confrontation and poisoned the atmosphere in the Commission.

86. The sudden enthusiasm for human rights and democracy in Hong Kong after 150 years of colonial rule was somewhat suspect. The Chinese people would not be diverted from the path they had chosen by slander and vilification in the name of human rights. History would take its course and power politics were doomed.

87. Mr. GJONEJ (Observer for Albania), responding to a statement by the representative of the International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and other Minorities, said that the report by the Commissioner on National Minorities of the Organization for Security and Cooperation in Europe, Mr. Max van der Stoel, gave the lie to the allegations regarding such minorities in Albania made by that NGO.

88. With regard to the forthcoming elections in his country, the Federation had arrogated to itself the right to make predictions regarding their free conduct. Perhaps it could also predict the results.

89. Mr. QAZI (Pakistan), responding to the statement by the Observer for Afghanistan, said that the real voice of the Afghan people had rarely been heard at the United Nations since 1979. The representative of the ruling minority regime, which was desperate to cling to power, had hurt the sensibilities of the people of Pakistan, without whose aid his country would have been unable to expel the foreign invader. He hoped that all Afghan factions would cooperate with the Secretary-General's Special Representative and agree on a procedure for transition to a broad-based Government representing all segments of the Afghan population. Only then could peace return to the country.

The meeting rose at 9.10 p.m.

Annex

List of NGOs supporting the statement made by Mr. Khouri, Union of Arab Jurists

African Commission of Health and Human Rights Promoters

American Association of Jurists

Centre Conseil Mondial de la Paix

Centre Europe-Tiers Monde

General Arab Women Federation

International Association for the Defence of Religious Liberty

International Association of Democratic Lawyers

International Educational Development, Inc.

International League for the Rights and Liberation of Peoples

International Movement for Fraternal Union among Races and Peoples

International Organization for the Elimination of All Forms of Racial Discrimination

Movement Against Racism and for Friendship among Peoples

North-South XXI

Pax Christi International

Union of Arab Jurists

Women's International Democratic Federation

Women's International League for Peace and Freedom

World Confederation of Labour

World Federation of Democratic Youth

World Movement of Mothers

World Muslim Congress

Young Women's Christian Association

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COMMISSION ON HUMAN RIGHTS

Fifty-second session

SUMMARY RECORD OF THE 48th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 18 April 1996, at 10 a.m.

Chairman: Mr. VERGNE SABOIA (Brazil)

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STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF BELARUS

STATEMENT BY THE CHIEF OF THE SWISS FEDERAL DEPARTMENT FOR FOREIGN AFFAIRS

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The meeting was called to order at 10.15 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

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(agenda item 10) (continued) (E/CN.4/1996/3, 4 and Corr.1 and Add.1 and 2, 6, 7, 9, 12, 16 and Add.1, 54-57, 59-65, 66 and Corr.1 and 2, 67 and Add.1, 68, 69, 107, 111, 114, 115, 119, 121-131, 133, 135, 139, 145, 146, 149, 150, 154, 157, 159 and 160; E/CN.4/1996/NGO/9, 10, 12, 16-18, 21, 29, 30, 36, 44, 52, 54, 57, 58, 62, 67-80 and 87; A/50/471, 567, 568, 569, 663, 734 and 767; A/50/894-S/1996/203)

1. Mrs. FERRARO (United States of America) said that the Universal Declaration of Human Rights was a common standard of achievement against which every nation's progress could and should be measured. The Commission's task was to inspire every nation to respect the human rights to which it had agreed, and to expose violations whenever they occurred. Unfortunately, however, systematic and deliberate human rights abuse continued to destroy millions of lives, making a mockery of international law and of the Commission's work.

2. Those that accused the United States of selectivity in its approach to human rights violations had only to refer to the exhaustive reports on 194 nations released by her Government to realize how wrong they were. Likewise, her Government's report to the Human Rights Committee demonstrated that her country addressed its own human rights situation and not just that of other countries.

3. The Commission must call international attention to the most egregious human rights violations because failure to do so only protected the violators and persecuted the victims. The Commission must not abandon the people who looked to it for hope and inspiration notwithstanding the statements of those who insisted that their human rights record was none of the Commission's business. Human rights were too important. They changed nations for the better and nobody in the era of ultra-modern telecommunications could keep news of human rights violations from going where it was needed.

4. The previous year had seen successes and failures. The Dayton Accords offered hope that the former warring parties could begin rebuilding a stable and prosperous Bosnia and Herzegovina. At the same time, the establishment of the international war crimes tribunals on both Bosnia and Herzegovina and Rwanda was a critical step toward individual accountability.

5. In the Middle East, democratic elections had been held in Palestine, while Jordan and Israel had signed a peace agreement. Negotiations between Israel and Syria gave hope that a just, lasting and comprehensive peace might soon come to the region.

6. There had been a non-violent transfer of power for the first time in Haiti's history, while important steps toward reconciliation had been taken in Angola and Northern Ireland. The Fourth World Conference on Women had delivered the most powerful message ever that women's rights were human rights and, as such, must be respected throughout the world.

7. While her Government welcomed recent Chinese efforts to undertake legal reforms with a view to greater emphasis on the rule of law, it wished to emphasize that implementing those reforms to benefit the citizen was essential if they were to mean anything. In the meantime, her Government could not remain silent in the face of continued restrictions on basic freedoms including the freedom of speech, assembly and religion. Nor could the repression of peaceful dissent be tolerated. The Chinese authorities must also allow Roman Catholics and Tibetan Buddhists to express their beliefs fully and without hindrance.

8. The Cuban Government continued to manifest its contempt for the norms of civilized behaviour, shooting down two unarmed civilian passenger planes over international waters and persecuting human rights activists and dissidents. Such actions were desperate attempts to preserve a decayed and decadent dictatorship. At the same time, Cuba continued to do its utmost to deflect the Commission's attention from its dismal human rights record, churning out dozens of resolutions and amendments in an effort to turn every discussion in the Commission into a North-South fight.

9. The human rights record continued to deteriorate in Nigeria where, to maintain its hold on power, the military regime had enacted a series of harsh decrees, severely restricting basic freedoms, while journalists were harassed and critics of the regime detained and arrested. The execution of a prominent playwright and environmental activist and eight others, after a trial which had violated basic rights of due process, was a particularly blatant example.

10. The Iraqi leadership continued to persecute its own citizens with virtual abandon. The basic freedoms of expression were non-existent, while military operations continued to target the populations of northern and southern Iraq.

11. Her Government also remained particularly concerned about the continuing human rights abuses and violations in the Islamic Republic of Iran, which ranged from extrajudicial killings to the widespread use of torture and the repression of the basic freedoms of expression. Of concern also was the intolerance directed against religious minorities in that country and the continued discrimination against women.

12. In Sudan, the pattern of human rights violations by both the Government and the insurgents continued unabated. Attacks on United Nations-sponsored relief operations frequently prevented assistance from reaching those who most desperately needed it. In that connection, she welcomed the statement made by the Sudanese Minister of Justice to the Commission and looked forward to another visit by the Special Rapporteur to that country.

13. In Zaire, the security forces continued to inflict numerous abuses on the civilian population.

14. In Myanmar, the military Government continued to impose major restrictions on the basic rights of its citizens. Although her Government was pleased that that country's foremost pro-democracy leader had been released from house arrest, political dialogue was still sharply limited while several hundreds of other political prisoners remained in detention. Meanwhile, the security forces continued to extract forced labour from ordinary citizens.

15. During the previous decade, regional, ethnic and separatist conflict had become one of the great threats to human rights. Abuses ranging from loss of home and possessions to ethnic cleansing and genocide served as a constant reminder of the importance of ending such conflicts by negotiated settlements and establishing the basis for tolerance and accountability of civil government and rule of law. Those principles were the best means of protecting the human rights of all individuals and groups.

16. It was gratifying to hear the representatives of States like Chile, El Salvador and South Africa talk about the Commission's positive impact on their human rights situation and to watch the Governments of Guatemala and Sri Lanka working with the Commission to improve their human rights records. With the encouragement of the Commission, other countries too could change and turn away from human rights abuse. The Commission must do what it could to help, not by confrontation, but by dialogue for the advancement of human rights. However, until such time as Governments everywhere observed the commitments to which they had agreed, the Commission must keep focusing on those which continued to violate human rights.

17. Mr. FERNANDEZ PALACIOS (Cuba) said that the Commission's consideration of the human rights situations of individual countries continued to be subjected to selectivity, politicization and lack of objectivity. That misguided approach risked converting the noble endeavours of the United Nations into a flourishing business for those seeking to attain their own external policy objectives.

18. Some delegations from the North seemed to think that their region was exempt from Commission scrutiny and that the countries of the poor South should learn from their lessons in civility and good behaviour. Nothing the South did was exemplary, despite its long and rich experience of struggling for the human rights that had been denied it for centuries by an unjust international order.

19. For the overwhelming majority of the inhabitants of the South, there were some very specific human rights priorities, of which hunger, poverty, curable diseases and illiteracy were the chief enemies. They had no interest in reports which referred to abstract concepts of democracy or the rule of law without offering genuine and durable solutions to their problems.

20. In industrialized Europe, outbreaks of racism, intolerance and xenophobia and discrimination against migrant workers and their families, refugees and ethnic and linguistic minorities were increasing, those persons being made scapegoats for the ills afflicting the societies in question. The situation

of the poorest sectors of the population in those countries, where respect for human dignity was based on the size of the bank account, was also critical. Yet, the spokesman for the European Union, in his review of the human rights situations in over 50 countries, had failed to mention what was happening in his own backyard.

21. His delegation continued to be concerned about the situation of the native populations of Canada. They occupied the lowest positions on the social ladder in all the so-called positive indexes. The same was true of the indigenous peoples of Australia. Despite efforts to remedy past injustices, the high rates of deaths in detention of those minorities and their social marginalization continued to be a source of concern. Japan had yet to take the necessary steps to compensate the so-called "comfort women" and their families and should cooperate with the human rights mechanisms, especially the Working Group on Contemporary Forms of Slavery, to resolve that problem.

22. The most serious and obvious case was that of the United States of America where the so-called "American Dream" had become a nightmare for large sections of the population faced with serious injustices, rampant inequality and blatant discrimination. African Americans, Latin Americans, Asian Americans and the original native American population were the most affected. The United States had the dubious privilege of possessing the highest rate of imprisonment and largest juvenile penal system in the world. Its extremely repressive judicial system was directed mainly against minorities and other groups. That was the system the United States Government was touting as the universal model for human rights.

23. Those were the problems that the Commission should be discussing under the current agenda item. If it permitted itself to be used for settling political scores against the countries of the South, the Commission would lose its credibility. It was to be hoped, however, that rationality and the search for the common weal would prevail. For its part, Cuba would never give up the struggle for human rights just as it had never failed to denounce injustice and inequality.

24. Mr. URRUTIA (Peru) said that the Peruvian Amnesty Act of June 1995 for military, police or civilian personnel who had been charged with or convicted of human rights violations was a carefully considered and crucial political decision designed to give Peruvian society a fresh start on its path to development and peaceful coexistence. It had been deemed necessary, for political reasons, to absolve the small number of State officials of the crimes they had committed, as a parallel to the Repentance Act of May 1993. Pardon was the first stage for any country's efforts towards reconciliation. The two instruments, which had been adopted with the interests of the entire country at heart, had produced a positive impact and considerable and irreversible gains had been made in the protection and promotion of human rights and fundamental freedoms in Peru, as witnessed by the drastic decrease in complaints of alleged human rights violations. While Peru and its institutions had been slow to react to the terrorist threat and had undoubtedly made mistakes, peace had been achieved and was being consolidated.

25. However, despite such clear progress, the promotion and protection of human rights was a continuing process. A national system of comprehensive legal aid had been established to ensure that the human rights of accused persons with limited means were guaranteed. In addition, his Government had appointed the first ombudsman in the country's history and was also carrying out a number of other legal reforms.

26. While his Government appreciated the work done by non-governmental organizations (NGOs), it did not approve of the way some of them constantly attacked the country without any first-hand knowledge of the situation. It would seem that they just did not want to know about the progress made and improvements introduced. Cooperation was a two-way street. Peru had demonstrated its commitment to cooperating with the United Nations human rights system and he hoped that the NGOs would participate loyally in the common endeavour.

27. Mr. WU Jianmin (China) said that past experience had shown that the correct way to promote human rights was through dialogue and cooperation. Following the end of the cold war, it had been expected that the East-West confrontation which had seriously undermined the Commission's functioning would be replaced by cooperation. Regrettably, it had since been replaced by a North-South confrontation whereby the human rights situations of many developing countries were "judged" by the remaining super-Power and a handful of developed countries. That was a trend that could no longer be tolerated.

28. On the other hand, repeated calls had been made for dialogue and cooperation as a way to promote human rights. Cooperation had prevailed at the World Conference on Human Rights and the Conference had been a success. It was clear that, while cooperation offered bright prospects, confrontation led only to a dead end. The Commission was thus at a historic cross-roads and had to choose its road as it entered the next century.

29. The freedom of all peoples to choose their own path to development should be respected by other countries. The North-South confrontation was due to the fact that the countries of the North seemed to think that everything they did was superior and should be copied by the countries of the South. However, while their existing stage of development was undoubtedly due to the hard work of their peoples, it would not have been possible without the contributions of the earlier civilizations. Moreover, western wealth had been largely generated through systematic and flagrant large-scale human rights violations. The developing countries could never follow that bloody path.

30. It was an objective fact that differences of cultural traditions, concepts of values and levels of development existed among the countries of the world and any Government had the right to establish the policy best suited to its specific national conditions. Indeed, the International Covenants on Human Rights recognized that fact as the prerequisite for the smooth development of the international community and of all countries, a principle that should guide all international human rights activities.

31. In the Commissions's consideration of specific country situations, some delegations persisted in applying double standards and engaging in political

confrontation. Only one-seventh of the world's population lived in the developed countries but those countries had a strong voice since they controlled the mass media. The developing countries might have a weak voice, but that did not mean that their views should not be heard.

32. The Commission's aim should be the promotion of the cause of human rights, not the imposition of the will and values of a few countries on others. It should encourage cooperation and reject confrontation, observe the spirit of equality and democracy and oppose politicization and double standards. It should take steps to put an end to North-South confrontation. When country resolutions were deemed necessary, the spirit of consensus should be applied and the wishes of the vast majority of countries respected.

33. Ms. GHOSE (India) said that the protection and promotion of human rights appeared to have become an area of politicized confrontation, entailing the selective targeting of countries, particularly the countries of the South. It could hardly be said that there were no human rights violations in the more developed parts of the world. Developed countries were currently confronted with racism and xenophobia, lack of respect for the rights of migrant workers and immigrants, intolerance of multiculturalism, police brutality and prison labour, child prostitution, pornography and the promotion of sex tours abroad, violence against women and denial of the rights of indigenous people. If common goals were to be achieved, there should be no double standards. Polarization must be rejected and an effort made to find common solutions to human rights problems, not to exacerbate them.

34. Her Government stood firm in its commitment to the political and civil rights enshrined in the Universal Declaration. It believed that democracy provided the best political framework for the safeguarding of human rights, that tolerance and pluralism likewise furthered that goal. There were ample avenues for dissent in a democracy and there could be no justification for politically motivated extremism and violence. The international community must thus step up its cooperation to combat terrorism. Her Government opposed all forms of intolerance and extremism, whether ethnic or religious. Respect for the rights of minorities must be ensured.

35. The symptoms of poverty, such as illiteracy and lack of access to basic services, were not deliberate human rights violations. They must be addressed by promoting the comprehensive development of the human person and could not be eradicated by rhetoric or condemnation. The responsibility of States to counter social evils, could not be achieved merely by issuing decrees. All the actors in civil society must become involved.

36. Vigorous action must be taken to promote and protect women's rights worldwide, with particular attention to the problem of discrimination and violence against women. Women must be enabled, to participate more fully in public life. All countries must cooperate with the Commission's mechanisms and respect their obligations under international human rights instruments.

37. The international community had too long ignored the tragic situation in Afghanistan and its consequences for the enjoyment of human rights. External

interference in that country had exacerbated the suffering of the people and could well lead to another human rights tragedy. The continuing conflict provided fertile ground for terrorism and drug-trafficking and promoted the rise of religious intolerance and the violation of the human rights of women and children. The Commission must call for a halt to external interference in Afghanistan.

38. Her delegation was deeply concerned about the problems in the Great Lakes Region of Africa and the rising tide of racism in Europe. The situation of human rights in Cyprus also gave cause for concern. The human rights of all Cypriots, particularly refugees, must be restored through full implementation of Commission resolution 1987/50 with due respect for the sovereignty, independence and territorial integrity of the country.

39. Mr. BELLI (Brazil) said that the transition to a market economy and democracy of a number of nations in Eastern Europe and Latin America augured well for an improved enjoyment of political rights, although the rule of law still did not prevail in all countries. However, that trend of democratic convergence had been accompanied by what might be called a trend towards fragmentation, with resultant civil strife, ethnic cleansing and lawlessness. Both trends must be carefully evaluated if the obstacles to the full enjoyment of human rights were to be identified and removed. At the same time, long-term goals must be established through international meetings and conferences.

40. Despite the good will reflected in the consensus adoption of the Vienna Declaration, some Governments were again attempting to shield themselves from international monitoring. While theoretically accepting the international human rights instruments, they were refusing to abide by the rules contained in them. That disparity between rhetoric and practice was not the exclusive province of developing countries, nor was it solely characteristic of authoritarian regimes, but transcended the lines of ideological boundary, degree of development and political system. Human rights issues thus needed to be addressed from an integrated and comprehensive standpoint in both theory and practice.

41. Although the Commission's consideration of specific situations was essentially selective, the reports on general themes by special rapporteurs were invaluable because their scope was universal and their coverage non-selective. For instance, the report on extrajudicial, summary or arbitrary executions (E/CN.4/1996/4 and Adds.1 and 2) was a portrait of abhorrent violations of human rights in virtually all countries. His delegation hoped the recommendations contained in that report and those of the other special rapporteurs would be used by all Governments in their efforts to fulfil their international and domestic commitments.

42. While the recommendations in the reports on specific country situations were relevant contributions to the efforts to improve human rights in the countries concerned, those recommendations must be followed by additional measures. Not only political will at the national level but also the

cooperation and assistance of the international community were required. The problems in Cyprus, Chechnya, East Timor, the African Great Lakes Region, the former Yugoslavia and Sudan must be at the top of the international community's list of priorities in efforts to alleviate human suffering.

43. To bridge the gap between the ideal world of theory and the real world of practice, his Government was doing its utmost to live up to its human rights commitments. The National Plan of Action was an important step towards adjusting Brazilian reality to what was envisaged by the international human rights instruments.

44. Mr. KRYLOV (Russian Federation) said that the significance of the Universal Declaration of Human Rights was shown by the fate of Russia, where many human rights activists had helped to affirm its principles and where the people had been freed from ideological dictates and political monopolization and the economy and spiritual life were being liberated. Russia's domestic legislation had been brought closer to contemporary human rights standards, and its acceptance into the Council of Europe represented an acknowledgement of the real progress it had made towards the rule of law. Such progress was sometimes difficult and painful and the recent political and economic transformations had not yet produced the results expected by the majority of the country's population.

45. It was impossible to remain indifferent to the fact that Federation citizens of various national stocks were dying in Chechnya. Since the adoption of the statement on the subject by the Chairman of the fifty-first session of the Commission, a number of important events had occurred, shedding new light on the problem. On 31 March 1996, the President of the Russian Federation, had promulgated a programme for the settlement of the Chechnya crisis under which military operations throughout the territory had been halted. A step-by-step withdrawal of Federal forces from the peaceful parts of the Republic had already begun. The main task was the preparation and holding of free democratic elections to the Republic's Parliament and local administrations throughout the whole territory.

46. To bring about peace, order and stability in Chechnya, his Government was willing to engage in negotiations with the Dudayev side, which must, however, take a decision to repudiate military action and terrorism. It had sent a special mission to Chechnya to investigate all cases of violations of human rights, regardless of who had perpetrated them. The guilty persons would be punished in accordance with the law. It had been proposed that the State Duma should consider the possibility of granting an amnesty to participants in armed activities in the Republic of Chechnya.

47. His Government had responded conscientiously to the concern expressed in the statement by the Chairman of the fifty-first session of the Commission. It was still not averse to a dialogue on the Chechnya issue, but such a dialogue would be possible only in conditions of all-round respect for the territorial integrity of the Russian Federation and its Constitution. A lot of work had to be done to normalize the situation in Chechnya and his Government was convinced that it would be successful, since order and security were needed by all the peoples of the Russian Federation, including the people of Chechnya.

48. Discriminatory acts against the Russian-speaking population of Latvia and, especially, Estonia, where members of the Estonian Orthodox Church were being oppressed, must be ended. The concessions so loudly proclaimed at Riga and, especially, at Tallinn were not enough, and changes for the worse were even being observed. His Government again called upon those States and international organizations that had made the withdrawal of Russian troops a condition for a review of the situation of the Russian-speaking populations of Latvia and Estonia to use their influence and authority to solve the problem on a just basis.

49. The guns had fallen silent in Bosnia and Herzegovina. Russia had made its contribution to stopping the bloodshed through its activities in the Security Council and the Contact Group, its participation in the Dayton process, and the sending of Russian troops to join the International Implementation Force (IFOR). Russian gas had arrived in Sarajevo to supply heat to the inhabitants facing bitter cold. The situation in Bosnia and Herzegovina was still complicated, however. Implementation of the civil component of the Dayton Agreements was behind schedule, and Sarajevo, which had formerly been multinational, had become mono-ethnic as a result of the mass exodus of Serbs. The return of refugees and the exchange of prisoners of war were being delayed. All that produced misgivings regarding the possibility of Bosnia and Herzegovina having a peaceful future.

50. Without respect for human rights peace had no prospects. The time had come for the Commission to stop repeating one-sided, tendentious and politicized black-and-white resolutions, as in the case of groups subjected to oppression by ethnic Albanians living in Kosovo. Moreover, it was doubtful whether the Commission was entitled to question fundamental principles of international law, particularly the principle of the territorial integrity of States. In that connection, the raising of the Kosovo problem without a clear indication that the territory of Kosovo formed an integral part of the Federal Republic of Yugoslavia was counterproductive.

51. In vast areas of Afghanistan, the rights and freedoms of both Afghans and foreigners were unprotected, as exemplified by the Talibans' capture of a Russian aircraft in August 1995 and the illegal detention of its crew members. The Commission should take action to bring about their release. In any case, his Government viewed with concern the rise of separatist tendencies and ethnic confrontations in Afghanistan, which would only complicate relations among the States of the region. It was also interested in the maintenance of order on Afghanistan's frontiers and in ensuring that Afghan territory was not used for activities undermining peace and order in the neighbouring States. Russia followed a firm line of non-involvement in the internal affairs of Afghanistan and hoped that all other States would act in the same way.

52. The current situation in southern Lebanon was a source of concern, since it could have a negative impact on efforts to renew the Middle East peace talks. His Government strongly supported the Secretary-General's endeavour to find a peaceful solution to the Cyprus problem; in particular, it hoped that the fate of the Greek Cypriots who had been missing since 1974 would be clarified.

53. Mr. S.I. HAIDER (Pakistan) said that the events in Bosnia and Herzegovina were a permanent scar on the conscience of the international community. Despite the brutality inflicted on them, the Bosnian people had succeeded in surviving. The Dayton peace accords must be implemented in the letter and the spirit.

54. His Government hoped for a quick reversal of the Armenian aggression against Azerbaijan and the early restoration of the territorial integrity of Azerbaijan with full respect for human rights.

55. Peace in the Middle East had once again been threatened by recent events in southern Lebanon. His Government deplored the attacks by Israeli forces which had caused suffering to thousands of Lebanese civilians.

56. The plight of the Kashmiri people, was illustrated by recent events, including the brutal murder of a human rights activist, and the massacre of Kashmiri freedom fighters. India was currently seeking to impose a fraudulent election on the Kashmiri people. Democracy under foreign occupation was a contradiction in terms and the All Parties Hurriyat Conference (APHC) had stated that any election held under Indian occupation was unacceptable. In response, India was resorting to various methods to silence the APHC leaders.

57. The principal demands of the Kashmiris, which his Government fully supported were: the exercise of their right to self-determination, withdrawal of Indian forces from Kashmir, an end to Indian repression, no fraudulent elections, and the declaration of the seven APHC leaders to be internationally protected persons.

58. He regretted that, in a recent statement, the spokesman for the European Union had failed to condemn India's massive violations of human rights. In welcoming India's acceptance of the International Committee of the Red Cross (ICRC) presence, the Union was no doubt unaware that India had just suspended the ICRC mission and had asked ICRC personnel to leave Kashmir. With regard to concerns about "cross-border" assistance, his Government would welcome additional United Nations monitors on both sides of the line of control in Kashmir. The Commission must avoid being misused for the purpose of narrow national interests.

59. His Government was dedicated to the promotion and protection of human rights of all Pakistanis, particularly, the most vulnerable groups, and had recently adopted and implemented a large number of bold and effective measures to that end. Noteworthy among them were measures to enhance the status of women, including the establishment of separate police stations for women, steps to ensure due representation, the appointment of women at high levels of the administrative and judicial branches and the establishment of a commission to review laws and eliminate discriminatory legislation.

60. Mr. TARMIDZI (Indonesia) said that human rights situations must be approached through constructive international cooperation, rather than by condemnatory statements. Moreover, there was no justification for emphasizing political and individual rights at the expense of other rights.

61. Some speakers had made misleading and unsubstantiated references to the situation in East Timor and had levelled unspecific and selective allegations against his Government. The riots at the end of 1995 had been far from peaceful and had clearly been exploited by certain parties to demonstrate a negative political situation in East Timor. In actual fact, 96 persons had been detained, most of whom had been released after routine questioning; only 20 were still in custody as a result of their direct involvement in the violence. Allegations of ill-treatment of persons in custody in East Timor were untrue. The universal principle of equality before the law should apply to all citizens and not just to the East Timorese.

62. His Government had decided in September 1995 to reduce the military forces stationed in East Timor by two battalions, leaving the remaining five battalions to assist in civic missions, help the population to develop the necessary infrastructures, restore public order and maintain peace and stability. His Government had always adopted the necessary stern measures in cases of improper conduct by members of the security forces.

63. His Government had taken steps to implement the Commission's recommendations. Some speakers had attributed the alleged worsening human rights situation in East Timor to his Government, citing partial and selective reports by Amnesty International and United Nations human rights mechanisms, which his Government had legitimately rejected. As a sovereign State, Indonesia reserved the right to refuse access to any human rights organization, the real purpose of which was political.

64. While it did not have a perfect human rights record, his Government was doing everything possible to remedy violations and address their root causes. Any attempt to link the situation of human rights in East Timor with the resolution of political issues was indefensible.

65. His Government was committed to dialogue as the most responsible, humane and effective way to build a fairer and more peaceful society. In that regard, Commission members should refrain from counterproductive rhetoric and condemnation.

66. Mr. AL-KHERO (Iraq) said that human rights had become a priority of his Government as a result of the economic embargo imposed on it for more than six years. It was doing everything possible to overcome the obstacles to ensuring human rights, which were a direct result of the embargo.

67. The embargo had had extremely negative effects on the health of Iraqis. The rationing system provided only 34 per cent of the average caloric needs of each citizen and the average income of more than 70 per cent of Iraqi families was insufficient to cover their basic nutritional needs. The only way to end that tragedy would be to allow Iraq to import the necessary foodstuffs.

68. The embargo, which was just as devastating as weapons of mass destruction, was no longer justified. Iraq had met all its commitments in accordance with the relevant Security Council resolutions. Continuation of the embargo was a flagrant violation of human rights, an international crime against the people of Iraq and a breach of article 1 of the two International Covenants on Human Rights.

69. Mr. ZACKHEOS (Observer for Cyprus) said that the effects of the systematic policy of ethnic cleansing in his country, begun soon after the Turkish invasion, continued to be felt by Greek Cypriots, who were still prevented from returning home. The unlawful plantation of more than 80,000 settlers from mainland Turkey as part of the Turkish Government's expansionist designs, had even forced Turkish Cypriots to emigrate.

70. The enclaved population was living in unbearable conditions and in a constant state of fear. The occupying power had refused to allow a delegation from the European Parliament to pay it a visit, presumably for fear of the impact on international public opinion. United Nations recommendations with regard to the enclaved Greek population and the Catholic Maronites had gone unheeded.

71. The lack of progress in clarifying the cases of missing persons in Cyprus was also a matter of concern. The recent statement by a Turkish Cypriot leader that the missing Greek Cypriots had been killed in cold blood after the Turkish army had surrendered them to Turkish Cypriot "fighters" was not helpful.

72. Mr. USMAN (Observer for Nigeria) said that his Government had been grappling with the problem of creating a politically viable and economically strong nation in which its over 200 ethnic groups could feel safe, secure and equal. To that end, it had established the National Constitutional Conference, whose decisions would provide the basis for the transition to democratic rule.

73. To ensure ethnic balance and eliminate any fear of domination, it had been decided that power would be shared among six regions, that more power would be transferred to the state and local governments and that a more equitable formula for the distribution of national revenue would be applied. The Government had also taken measures to promote national reconciliation.

74. As a result of deliberate misinformation, his Government had been wrongly accused of arbitrary arrests, disappearances and extrajudicial executions. There were no political prisoners or arbitrary arrests in his country. Persons in prison had committed offences punishable under the law and the Working Group on Enforced and Involuntary Disappearances had exonerated his Government with regard to cases of disappearance. Laws varied from country to country and remained valid until repealed. His Government was constantly reviewing the laws in order to harmonize them with its obligations under international instruments. It had cooperated fully with the Secretary-General's recent field mission.

75. Tribunals had been an integral part of the Nigerian legal system for a considerable period of time, handling such offences as armed robbery, drug-trafficking and civil disturbances. The trials of the Ogonis had been conducted under the 1987 Civil Disturbances Act, the legality of which was unquestionable. Of the 15 persons on trial, 6 had been acquitted.

76. His Government had established a National Human Rights Commission which was currently consulting the Centre for Human Rights to work out arrangements

for the proposed visit of thematic rapporteurs. It had also invited members of the African Commission on Human and Peoples' Rights to visit the country. It was clear, therefore, that there was no need to establish a special rapporteur on the situation in Nigeria.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF BELARUS

77. Mr. SYANKO (Belarus) said that his country was transforming itself into a democratic society on the basis of political pluralism and the rule of law. Its leadership believed that democracy was a basic condition for full enjoyment of human rights and that human rights protection was an essential condition for genuine and sustainable development.

78. More than 30 political parties and 170 social and political movements were represented in the political arena; there were no extremist parties or movements, and civil order reigned. Parliament had adopted laws on citizenship, freedom of religion and religious organizations, national minorities, refugees and the rights of the child. National infrastructures were being established to guarantee the enjoyment of human rights and fundamental freedoms and the State sought to mitigate the unfavourable social consequences of the transition to the market economy by guaranteeing social, economic and cultural rights.

79. His Government welcomed the extreme caution with which the United Nations approached human rights situations in individual countries. International monitoring procedures and mechanisms could be improved by ensuring the timely submission of countries' reports to the treaty bodies and by making cooperation with special rapporteurs, working groups and experts a binding principle of action. His Government would do its best to make the mission to Belarus of the Special Rapporteur on the right to freedom of opinion and expression a successful one.

80. His delegation welcomed the considerable efforts made by the High Commissioner for Human Rights to improve the work of the Centre for Human Rights, and it entirely supported the Change Plan. Of the numerous United Nations programmes there were certainly some low-efficiency ones that could be cancelled and their resources reallocated to human rights protection.

81. There were currently more than 200,000 migrants and refugees in his country. In the current difficult economic conditions, the State alone could not guarantee the observance of their social and economic rights. The refugee problem was one which touched most countries throughout the world and his Government would do its utmost to ensure the success of the forthcoming Preparatory Conference on refugees, returnees, displaced persons and other forms of involuntary displacement in the Commonwealth of Independent States and neighbouring States, which it was to host. The Conference would undoubtedly contribute to regional and global security and promote the development of democratic institutions and human rights protection, in the CIS and elsewhere.

82. Economic integration between Belarus and Russia would have a favourable effect on human rights observance. The experience of European integration and

the flexible combination of a single economic and cultural space with the preservation of sovereignty and historical identity lay at the core of that rapprochement. In particular the rapprochement would considerably improve opportunities for assisting those who had suffered and continued to suffer from the Chernobyl disaster.

83. Human rights, their respect and protection were far from being formal problems for his country. Through its own bitter experience, Belarus had come to understand the practical necessity of respect for human rights as a reliable foundation for a world order based on non-confrontation. It pledged its unconditional adherence to the spirit and letter of the international human rights instruments.

STATEMENT BY THE CHIEF OF THE SWISS FEDERAL DEPARTMENT FOR FOREIGN AFFAIRS

84. Mr. COTTI (Switzerland), speaking as Chairman of the Organization for Security and Cooperation in Europe (OSCE), said that the protection of human rights was one of the pillars on which OSCE was built, since long-term security and stability in Europe could not be achieved unless the factors which engendered tensions between States and between Governments and their citizens were eliminated.

85. The violation of human rights was one of the most important causes of conflict. That overall principle had already been enshrined in the CSCE Final Act of 1975 while, in Paris in 1990, all the States members of OSCE had committed themselves to democracy, the rule of law and the protection of human and minority rights.

86. The implementation of that commitment currently constituted the greatest challenge facing OSCE, whose member States recognized that violations were a matter for the community as a whole. Consequently, they had undertaken to accept measures taken by OSCE within their own frontiers, including the despatch of observer missions. In fact, aggressive nationalism, racism, intolerance and organized crime were dangers to human rights which the resources of a single State were insufficient to combat. His own country, as a multilingual and multicultural State, was well aware of the challenge.

87. In that connection, the OSCE High Commissioner for National Minorities was playing an essential role, being engaged in quiet diplomacy in such places as Ukraine, Macedonia, certain States in Central Europe experiencing minority problems, and in the Baltic States and Central Asia. Particularly important was the situation in Bosnia and Herzegovina, where the protection of human and basic democratic rights was an essential precondition for the holding of free and fair elections and for the success of the peace process. Unfortunately, that was still a long way off.

88. OSCE was particularly concerned about the situation of minorities in the Federal Republic of Yugoslavia. Torture, persecution, arbitrary detention and ill-treatment were still among the human rights problems encountered in Kosovo. For OSCE to be able to ensure its territorial universality, it was essential that the Federal Republic of Yugoslavia should rejoin it as soon as possible. That could be done much more easily if it manifested a real political will to find effective solutions to its minority problems.

89. Another serious source of concern was Chechnya, where OSCE maintained an assistance group and provided, apart from the humanitarian organizations, the only international presence. Its group's mandate was primarily to promote respect for human rights and to report on their violation. Very serious violations were occurring, including indiscriminate attacks on the civilian population, acts of terrorism and hostage-taking. OSCE placed great hope in President Yeltsin's recent initiative, which it would support to the best of its ability.

90. In other member States, OSCE missions had been sent to protect the rights of minorities, to prevent any aggravation of tensions or to diminish them, both within countries and in their relations with other countries. That had been the case in Estonia and Latvia. In Tajikistan, OSCE tried to guarantee the safety of persons returning to their country of origin, in cooperation with the United Nations. Whereas the latter concentrated on finding a political solution, OSCE stressed the human dimension. Another example of cooperation between OSCE and the United Nations was Georgia.

91. In nearly every case, the difficult situations were caused by minority problems, as was happening in Moldavia, Turkey and Nagorny-Karabakh. Within the limits of its possibilities, OSCE would seek to spread the conviction that only the promotion of a decent civil society in all its elements could guarantee a stable and more secure future.

92. Speaking in his capacity as Chief of the Swiss Federal Department for Foreign Affairs, he said that, although Switzerland was not a member of the United Nations, it collaborated closely with the Organization and with all its institutions, fulfilling its obligations year after year. In perfect keeping with its neutral status, Switzerland's activities to promote human rights both nationally and internationally were intimately connected with the system of values on which the country was founded.

93. The question whether human rights were subject to a universal definition or could be defined by each State in accordance with its own culture, history and tradition was still being discussed. It was true that democracy could take many different forms which were rarely transposable from one country to another, but there were certain minimum standards for democracy and human rights. Torture, for instance, could never be justified on any grounds anywhere in the world. The international community must promote the values of democracy, development and respect for human rights and fundamental freedoms throughout the world.

94. His Government was making a special effort to protect human rights through bilateral arrangements with, for example, China, as well as with certain countries currently involved in the Middle East peace process. He sincerely hoped that at least one of the possible projects to be undertaken with the latter countries would take practical shape and thereby contribute to peace and security in the region.

95. In Africa, serious human rights violations were occurring in Nigeria, Sudan and Equatorial Guinea, while the situations in Burundi and Rwanda were sources of great concern. His Government would continue its humanitarian aid

to Burundi and would increase its contribution to the relevant United Nations fund. It was, however, essential that those guilty of human rights violations in Rwanda be brought to justice and that the refugees be enabled to return home. Switzerland was engaged in a special support programme for Rwanda.

96. His Government unreservedly supported the work of the High Commissioner for Human Rights. It hoped that the draft optional protocol to the Convention against Torture would be adopted as soon as possible and was in favour of a draft protocol to the Convention on the Rights of the Child to provide special protection for children in armed conflicts. An international instrument to penalize and prevent the sexual exploitation and sale of children was also required, as was a United Nations declaration on worldwide recognition and protection of human rights activists, which would be of great value to NGOs.

The meeting rose at 1 p.m.